

AMENDMENTS TO THE CLAIMS:

This listing of claims will replace all prior versions and listings of claims in the application:

Listing of Claims:

1. (Currently Amended) A method of noise attenuation comprising the steps of:
generating a noise canceling signal from a control unit based on an environmental assumption;
generating a test sound wave to obtain actual environmental data
assessing the environmental assumption of the control unit wherein assessing comprises the step of comparing the environmental assumption with actual environmental data; and
altering the noise canceling signal based on the assessment.
- 2-3. (Cancelled)
4. (Currently Amended) The method of claim 31 wherein comparing comprises comparing the test sound wave with a model of the sound wave based on the environmental assumption.
5. (Original) The method of claim 4 wherein comparing comprises comparing the speeds of the test sound wave and the model of the sound wave.
6. (Original) The method of claim 1 wherein the environmental assumption is assessed more than once.
7. (Original) The method of claim 1 wherein assessing occurs for a predetermined period of time.

8. (Original) The method of claim 1 further including the step of ceasing the generation of the noise canceling signal based on a system condition.
9. (Original) The method of claim 8 wherein the step of ceasing the generation of the noise canceling signal occurs prior to the step of assessing the environmental assumption of the control unit.
10. (Currently Amended) A method of noise attenuation comprising the steps of:
generating a noise canceling signal from a control unit based on an environmental assumption;
sensing a system condition relating to an error in noise canceling;
ceasing the generation of the noise canceling signal based on the system condition;
assessing the environmental assumption of the control unit; and
altering the noise canceling signal based on the assessment.
11. (Original) The method of claim 10 wherein assessing comprises the step of comparing the environmental assumption with actual environmental data.
12. (Original) The method of claim 11 further including the step of generating a test sound wave to obtain actual environmental data.
13. (Original) The method of claim 12 wherein comparing comprises comparing the test sound wave with a model of the sound wave based on the environmental assumption.
14. (Original) The method of claim 13 wherein comparing comprises comparing the speeds of the test sound wave and the model of the sound wave.
15. (Original) The method of claim 10 wherein the environmental assumption is assessed more than once.

16. (Original) The method of claim 10 wherein assessing occurs for a predetermined period of time.
17. (Currently Amended) An air induction system comprising:
an air induction body;
a speaker in proximity to said air induction body;
a microphone in communication with said speaker;
a reference sensor; and
a control unit with a noise attenuation feature based on an environmental assumption, communicating with said speaker, said microphone, and said reference sensor, wherein said control unit assesses said environmental assumption and alters said noise attenuation feature based on the assessment, said control unit programmed to generate a test sound wave through said speaker to obtain actual environmental data.
18. (Original) The air induction system of claim 17 wherein said control unit assesses said environmental assumption by comparing said environmental assumption with actual environmental data.
19. (Cancelled)
20. (Currently Amended) The air induction system of claim ~~19~~17 wherein said test sound wave is received by said microphone and compared by said control unit with a model of a sound wave based on said environmental assumption.
21. (New) The method of noise attenuation of claim 10 wherein the system condition relates to engine noise level.
22. (New) The method of noise attenuation of claim 10 wherein the system condition relates to background noise level.

23. (New) The method of noise attenuation of claim 10 wherein the system condition relates to a level of engine noise to be attenuated and a level of background noise.

24. (New) The method of noise attenuation of claim 1 wherein the system condition relates to a throttle position.

25. (New) The method of noise attenuation of claim 10 including the step of recording the error in noise canceling.

26. (New) The method of noise attenuation of claim 25 wherein ceasing the generation of the noise canceling signal occurs for a predetermined time period if a preset level of the errors in noise canceling is exceeded.